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ALEXANDER L. STEVAS,
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82-364

IN THE

SUPREME COURT OF

THE UNITED STATES

D. B. D. NEUMAIER
PETITIONER

V.

ANIMAL MATTERS
HEARING BOARD
RESPONDENT

Petition for a hearing

for a reversal of the Judgment

of the Maryland Court of Appeals

D. B. D. Neumaier, A.C.S.W.
25814 Frederick Rd.
Hyattstown, Md. 20871

THE QUESTION PRESENTED

Are the charges against Petitioner so devoid of fact as to make the Court's decision unconstitutional? The human right, physical and psychological privilege of D. B. D. Neumaier to have her cats returned to her unharmed.

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1. Courts of contact after the Animal Matters Hearing Board.
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8. Importance of my precious pets.
9. Health of cats.
10. Animal rights.
11. Defense of the environment.
12. Plea for life.

AUTHORITIES CITED

5th Amendment of the Federal Constitution.

4th Amendment of the Federal Constitution.

Maryland State Law 1981 § 67.

Laws 1892

R. Vashon Rogers

C. Richard Dixon and Ruth Schneider

Adlai Stevenson to The Honorable Members of the Sixty-sixth General Assembly

Maryland Law Encyclopedia

Animal Law - Chapter 5 § 11

5-13 of the Montgomery County Code 1972 as Amended

Article 26, State Law

Petitioner

respectfully prays for permission for petition hearing to review the Judgment of the Court of Appeals in Maryland June 4, 1982.

Citation of Opinion Below

Petitioner was given the permission to select two cats to be altered and the others to remain, in a hearing before the Animal Matters Hearing Board of Montgomery County, Maryland, August 5, 1981. Petition was made to the Circuit Court of Montgomery County, Maryland, for the return of the balance of my pets, and the judgment of the hearing of August 5, 1981, was confirmed on March 9, 1982. A Writ of Certiorari was refused June 4, 1982, from the Maryland Court of Appeals.

STATEMENT OF THE CASE

As a citizen of the United States seeking help with my pets in Montgomery County, the case of Law 58904 was heard in the Circuit Court of Rockville, Maryland, March 9, 1982, pursuant to the provision of Section 5-13 of the Montgomery Code 1972 as Amended.

The hearing of August 5, 1981, before the Animal Matters Hearing Board was confirmed, where I was to have two cats and they the others. I want the balance of them. Petition, as stated, was made in the State Court of Appeals for a Writ of Certiorari, which was refused.

To confirm what has occurred the following are the docket entries of Administrative Appeal - Animal Matters Hearing Board:

9-15-81	#1	Appeal filed.
10-14-81	#2	Plaintiff's Petition to Appeal filed.
11-6-81	#3	Entire Record before the Animal Matters Hearing Board and line to file filed.
11-12-81	#4	Notice under Maryland Rules B-12 mailed.
11-18-81	#5	Defendant's Line to file Photographs as Exhibits 1 through 16 and Exhibits 1 through 16 filed.
12-18-81	#6	Notice of trial date, February 24, 1982, filed.
2-8-82	#7	Appellee's Memorandum of Law filed.
2-16-82	#8	Notice of Hearing date filed.
3-1-82	#9	Notice of Hearing date filed.

3-9-82	#10	Line for the Appellant.
3-9-82	#11	Trial before the Court. Judgment of Animal Matters Hearing Board affirmed.
3-9-82	#12	Copies of two letters filed (these were to confirm the fact that I am not cruel, from a lawyer's office and the other from the President of the Council of Women of the United States stating I should have the balance of my pets back.)
3-11-82	#13	Memorandum Order of Court to reset the case from February 24, 1982, to March 9, 1982, filed.
6-7-82	#14	Order of Court of Appeals of Maryland, that the

petition is denied
as there has been no
showing that review
by certiorari is de-
sirable and in the
public interest
filed.

Rules should be liberally construed and not in accordance with the nicities of definition. The decision of the Circuit Court regarding the Constitutionality of a statue does not conclude the question, and I do not think the Judge of the State Court of Appeals should be more concerned with public interests, which he wrote, than private, as I graduated from Hood College, went to New York School of Social Work, Columbia University, University of Southern California, a Chicago School

for Nurses, written work, and the University of Chicago, which are private. This does not mean I do not value my Seminars at the University of North Carolina and graduate work at the University of the City of New York, both public.

The Department of Humane Treatment alleges that the cats owned by D. B. D. Neumaier, removed to the Shelter, are the victims of cruelty as a result of the environment, and lack of veterinary care. The complaint was made by a woman residing next door to m[illegible], to the south of my home. There was an inspection made, which seemed a legal violation as the door was forced open and seizure made while I was on the second floor of

the building. Search was made of the whole house, including a second floor room, with the door locked, except the attic and basement.

The 5th Amendment to the Federal Constitution, of course, provides that no person shall be deprived of their life, liberty and property without due process. Both searches and seizures are against unreasonable searches and seizures is liberally construed in the Court for the purpose of obtaining unimpaired fundamental rights guaranteed by the Constitution. The 4th Amendment of the Federal Constitution is a fundamental Constitutional bulwark which protects the individual against offensive Con-

stitutional action in unreasonable searches and seizures. Article 26 of the Maryland Declaration, although it antecedes the 4th Amendment, was the product of the same abuse and protest which gave birth to the 4th Amendment.

The right to obtain immunity from unreasonable searches and seizures is a privilege personal to those whose rights have been impinged upon. A Magistrate issuing a Search Warrant must have before him affidavit which alleges probable cause and not rely solely on the judgment of the policeman. Inventory of the property taken was not made and signed in the presence of the owner June 30, 1981. The Twenty-sixth Amendment giving citizens of the United States the right to vote who are eighteen or older is

this day of the month, June 30, 1941.

On return of the Warrant to Judge Mitchel my copy was not signed. By whom delivered, date complaint was made and signature were not there.

Maryland State Law 1981 §67 concerns mistreated and neglected animals. Although I knew the Inspector had my cats from my home I was not aware that I could file within ten days for their return in the District Court. There is nothing in this Section to be construed as permitting the taking of any animal without permission of a licensed Veterinary. It is my impression that this examination, according to law, is supposed to be made prior to seizure, by a Veterinary.

When a Veterinary did make a report after the cats and kittens

went to the Shelter, they were found to be in good health. There were not injuries and wounds as the Inspector testified.

My felines were not kept in concealment, but were shy of strangers when they appear. Cats are tidy creatures and easily discouraged if they have messy illnesses.

R. Washon Rogers said in 1891, "Cats are not very important in the eyes of the law." They are important to me and give companionship as helpers. They have psychological value.

C. Richard Dorn and Robert Schneider say there is generally no support for the hypothesis of interspecies transmission of disease.

The feline blood-producing and blood circulating system is greatly affected by stress, whether of emotional origin or due to great physical trauma. It seems few cats relieve their stress by requiring a taste for alcohol but veterinarians have reported to minister to tipsy dogs. My felines that went to the Shelter were kept indoors.

Adlai Stevenson wrote to the Honorable Members of the Senate of the Sixty-sixth General Assembly in Illinois, April 23, 1949, that in his opinion the states and local governments had enough to do without trying to control feline delinquency. The wrath of owners occur

when a cat, probably out for a stroll. is bogged by employees of municipal animal control agencies.

Animal protection laws are not the basis of our association of animal rights. Animal rights are derived from the principles of justice and fairness that are the foundation of human rights.

Animals should be included in the same system of moral protection that govern behavior toward each other. Cats, like humans, have certain essential physical and behavioral requirements and we should recognize the satisfaction of these requirements as their rights.

When speaking about being kind to cats we are talking about the

state of mind, or actions of human beings on understanding cat rights which helps us shift our focus away from human actions and toward the actual requirements of cats, which are varied. In this manner, cats rights help us move beyond kindness toward justice and caring.

Of course, sanitary conditions were greatly exaggerated and inaccurate. I have more available now for litter and have the kitchen painted. If more space is needed, I have another large room available for their use.

My felines are not inclined to be more wild than domesticated. Naturally they are shy of visitors.

A number of photo exhibits were shown in black and white, which were very indistinct. One could not possibly detect fecal matter hanging on the radiator and which was not there, giving them a clean environment in which to eat.

There were a variety of reports on food visible. There are a number of receptacles on the floor for food, and much food was on the floor from the grocery, in the kitchen.

They get plenty of food, both dry and moist, at least twice a day, but usually food is kept where they can eat anytime when hungry. Water was kept for them at all times.

The table was not covered with a sheet, as suggested. There is a plastic tablecloth in use.

I do not feel the Inspector should decide how many cats people should have and the Board be guided by him, but I do appreciate the fact that he agreed the principle involved was important and enough to involve more states. At the first hearing I was allowed two cats, as stated, and in my testimony I informed them I wished the complete family. I now have two altered cats that use their litter trays. I have the mother of them, who I have raised from youth, and one of her oldest, a male. As cats demonstrate beauty, so they should be protected.

Chairman Wilson said too much emphasis was not to be placed on

skin color. There was a white woman, two white males and two negro males, brothers, of the Inspectors.

Poling does not suggest making felines confident of your affection. This is how most of them were collected.

There was a variety of reports on the temperature of the room. It is where I stay and work much of the time. I have electric ventilation.

In the State of Maryland Animal Laws, there is no mention of how ventilation is to be maintained. It was usual weather for that time of the year to which the felines have been exposed other years.

Please accept my petition to have

the entire group of my felines back in my home. It is where they cheer me and keep me warm in the Winter time.

When my petition to the Supreme Court of Appeals is accepted, the son of a Judge from another State who practices in Maryland is going with me to the hearing. He helped me this way when I got the two cats they gave back. His name is Mr. J. Clapp, 260 E. Jefferson Street, Rockville, Md. 20850. The telephone is 762-2555. He thinks I should have the balance of them. He plans to apply for membership after you accept my petition in your Bar Association.

APPENDIX

Department of Animal Control and Humane Treatment, 1420 Gude Drive, Rockville, Maryland 20850,

vs.

Dorothy B. D. Neumaier,
25814 Frederick Road,
Hyattstown, Maryland 20871

Order of August 5, 1981

Animal Matters Hearing Board found the 40 cats owned by the Respondent, Mrs. Dorothy B. D. Neumaier, to be the victims of cruelty, hereby order that all the cats be remanded to the custody of the Department of Animal Control and Humane Treatment.

In the alternative, Mrs. Neumaier may select any two of the cats which are the subject of this proceeding to be returned to her on the condition that they be neutered and inoculated prior to their release. In addition, cross-ventilation and sanitary conditions must be provided wherever the cats are to be confined.

Hearing August 5, 1981, followed by a petition to the Circuit Court, Rockville, Maryland, to have felines returned.

Hearing of March 9, 1982, Animal Matters Hearing Board. Trial before the Court (Latham, J.), Judgment of the Animal Matters Hearing Board affirmed.

Petition was made to the Maryland Court of Appeals for a Writ of Certiorari Case, D. B. D. Neumaier vs. Animal Matters Control Board. Order June 4, 1982, of Judge Robert C. Murphy states upon consideration of the petition for a writ of certiorari to the Circuit Court for Montgomery County in the above entitled case, it is

Ordered by the Court of Appeals of Maryland that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.